

From: Malcolm Jackson/DC/USEPA/US  
To: Assistant Administrators, Regional Administrators, Associate Administrators, DAA, DRA  
Cc: John Ellis/DC/USEPA/US@EPA, Brenda Mallory/DC/USEPA/US@EPA, Renee Wynn/DC/USEPA/US@EPA, QIC-SIO, QIC-IMO, NRMP All RLOs  
Date: 01/25/2013 02:24 PM  
Subject: Managing Records of Departing Senior Agency Officials  
Sent by: Renee Gutshall

## **MEMORANDUM**

SUBJECT: Managing Records of Departing Senior Agency Officials

FROM: Malcolm D. Jackson  
Assistant Administrator and Chief Information Officer

TO: Agency Senior Officials

The purpose of this memorandum is to remind all senior EPA officials to follow federal record-keeping requirements for maintaining and disposing of Agency records before leaving EPA. Please work closely with your administrative staff, if applicable, and your Records Liaison Officer (RLO) to transfer custody of Agency records before you depart. You will also need to review additional information and complete mandatory form 1340-8, Final Senior Separation Checklist, 2013 found at this [link](#).

While all federal employees must create and preserve records that document “the organization, functions, policies, decisions, procedures, and essential transactions of the agency” (44 U.S.C. 3101), EPA senior officials’ records are especially important because many of those records are considered “permanent” (i.e., they must be maintained by EPA and then transferred to the National Archives and Records Administration for permanent safe-keeping). Before leaving the Agency, we recommend that you designate a staff person who can assist with the review and transfer of your hardcopy and e-mail files.

A sample list of permanent record types you may have and must preserve include the following:

- Calendars, schedules and logs of daily activities;
- Committee records, including federal advisory boards, inter-Agency and external committees and councils in which you participated;
- Program development files documenting EPA’s policies and programs, including correspondence, briefings, issue papers and reports on policy, strategy, research and legislative priorities, program evaluation and planning, and related topics;
- Reports to Congress and/or the President; and
- Speeches and testimony.

Please remember that e-mail messages can be maintained as Agency records using EPA’s content management systems.

Examples of e-mail messages that may constitute Federal records include:

- E-mail providing key substantive comments on a draft action memorandum, if the e-mail message adds to a proper understanding of the formulation or execution of Agency action;
- E-mail providing documentation of significant Agency decisions and oral commitments (person to person, by telecommunications, or in conference) not otherwise documented in Agency files; and
- E-mail conveying information of value on important Agency activities if the e-mail message adds to a proper understanding of Agency operations and responsibilities.

Documents you generate or receive may also need to be preserved pursuant to the Freedom of Information Act (FOIA), discovery requests and litigation, or other legal requirements.

Also, please be aware that officials and employees may not remove extra copies of records or other work related material without the approval of the [EPA Records Officer](#) or [General Counsel](#). Non-EPA e-mail accounts should not be used for Agency business, except in the case of an emergency. If a non-EPA e-mail account is used, all EPA related records must be transferred to EPA's email system and managed appropriately.

To find your organization's Records Liaison Officer (RLO), please visit the National Records Management Program's webpage at:

Headquarters RLOs: <http://www.epa.gov/records/people/hq.htm>

Regional RLOs: <http://www.epa.gov/records/people/region.htm>

Thank you in advance for your attention to this important responsibility. Should you have questions or concerns, please do not hesitate to contact John B. Ellis, Agency Records Officer, at 202-566-1643 or [ellis.john@epa.gov](mailto:ellis.john@epa.gov).

cc: Senior Information Officials (SIOs)  
Information Management Officers (IMOs)  
Records Liaison Officers (RLOs)